

**FILED**

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SEP 10 2020

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

No. **20 CR 611**

v.

Violations: Title 18, United States  
Code, Sections 1035 and 1347

JATIN PATEL

Under Seal

**JUDGE LEINENWEBER**

COUNT ONE

**Magistrate Judge Jantz**

The SPECIAL MAY 2019 GRAND JURY charges:

1. At times material to this Indictment:

a. Defendant JATIN PATEL was a pharmacist licensed in the State of Illinois, and the pharmacist-in-charge of Pharmacy A, located in Addison, Illinois. Pharmacy A filled, and purported to fill, prescriptions for medications, including cream medications, based on prescriptions authorized by physicians.

b. Physician A was licensed in the State of Illinois as a medical doctor practicing podiatry.

c. Individuals who received benefits under a health care benefit program were referred to as beneficiaries.

d. Blue Cross and Blue Shield of Illinois ("BCBSIL") was an insurance company that offered and administered health care benefit programs, within the meaning of Title 18, United States Code, Section 24(b).

e. Medicare was a federal health care benefit program, within the meaning of Title 18, United States Code, Section 24(b), that provided free or below-

cost health care benefits to certain eligible beneficiaries, primarily persons 65 years of age and older. Medicare was administered by the Centers for Medicare and Medicaid Services, a federal agency under the United States Department of Health and Human Services. Medicare programs covering different types of benefits were separated into different program parts. “Part D” of Medicare subsidized the cost of certain prescription drugs for Medicare beneficiaries.

f. BCBSIL and Medicare provided health care benefits to qualifying beneficiaries for certain prescription drugs that were, among other things, prescribed by a physician.

g. Pharmacy benefit managers (“PBMs”) were third party administrators of prescription drug plans for health care benefit programs, including BCBSIL and Medicare. Claims for reimbursement of items provided by a pharmacy to a beneficiary, including covered medications, were submitted through a PBM to the health care benefit program.

h. Prime Therapeutics was a PBM that administered BCBSIL’s prescription drug benefits.

i. A National Provider Identification number (“NPI”) was a unique identification number issued to health care providers that all health care providers were required to use when submitting claims to a health care benefit program for reimbursement for services rendered to a patient covered by the health care benefit program.

j. A provider of health care items such as Pharmacy A had to submit a claim form to BCBSIL and Medicare in order to receive reimbursement for covered items. BCBSIL and Medicare both required that each claim contain, among other things: the dates of service; the patient's name, diagnosis, insurance number, and date of birth; the health care services or items provided; the prescribing provider's NPI number; and the charge for each item provided.

k. BCBSIL and Medicare paid for covered items, including certain cream medications, for which a representation had been made that the items provided to patients were authorized by a prescribing physician.

2. Beginning in or around May 2017 and continuing through in or around January 2019, in the Northern District of Illinois, Eastern Division, and elsewhere,

JATIN PATEL,

defendant herein, participated in a scheme to defraud health care benefit programs, namely Blue Cross and Blue Shield of Illinois and Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money owned by and under the custody and control of those health care benefit programs, in connection with the delivery of and payment for health care items, which scheme is further described below.

3. It was part of the scheme that defendant PATEL submitted, and caused to be submitted, fraudulent claims to BCBSIL and Medicare that falsely represented that Pharmacy A provided certain health care items, including cream medications, to

patients of Physician A after Physician A purportedly had prescribed those items, knowing that Physician A had not prescribed those items.

4. It was further part of the scheme that defendant PATEL, when submitting, and causing the submission of, fraudulent claims to BCBSIL and Medicare for medication purportedly prescribed by Physician A, used the name and NPI number of Physician A to falsely represent in the claims that Physician A had prescribed the medication, when defendant PATEL knew that no such medications had been prescribed by Physician A.

5. It was further part of the scheme that defendant PATEL knowingly created, and caused the creation of, false documents to substantiate the fraudulent claims submitted by Pharmacy A to BCBSIL and Medicare, including documents bearing the name of physicians including Physician A, and purporting to show that physicians including Physician A prescribed medications for patients and had requested Pharmacy A to fill these prescriptions, knowing that those physicians, including Physician A, had not prescribed those medications or authorized Pharmacy A to fill those prescriptions.

6. It was further part of the scheme that defendant PATEL knowingly submitted, and caused to be submitted, these false documents to Prime Therapeutics in response to an audit of Pharmacy A.

7. It was further part of the scheme that defendant PATEL created, and caused to be created, documents bearing physicians' names, including Physician A,

and attesting that the physician had prescribed items for which Pharmacy A had submitted claims for reimbursement to BCBSIL, knowing that such representations were false.

8. It was further part of the scheme that defendant PATEL gave some of these documents to employees of Pharmacy A, and instructed the employees to take these documents to physicians, including Physician A, in order to fraudulently obtain the physicians' signature on the documents.

9. It was further part of the scheme that defendant PATEL deposited, and caused to be deposited, money Pharmacy A received from BCBSIL and Medicare into bank accounts that defendant PATEL controlled.

10. It was further part of the scheme that defendant PATEL misrepresented, concealed, and hid, and caused to be misrepresented, concealed, and hidden, the existence, purposes, and acts done in furtherance of the scheme.

11. On or about May 8, 2017, at Addison, in the Northern District of Illinois, Eastern Division, and elsewhere,

JATIN PATEL,

defendant herein, knowingly and willfully executed the scheme, and attempted to do so, by submitting and causing to be submitted to Medicare a claim seeking payment for Pharmacy A, specifically, a claim for a medication purportedly prescribed by Physician A to Patient A on or about May 8, 2017, when, in fact, no such medication was prescribed on or about that date;

In violation of Title 18, United States Code, Section 1347.

**COUNT TWO**

The SPECIAL MAY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 10 of Count One are incorporated here.
2. On or about July 17, 2017, at Addison, in the Northern District of Illinois, Eastern Division, and elsewhere,

**JATIN PATEL,**

defendant herein, knowingly and willfully executed the scheme, and attempted to do so, by submitting and causing to be submitted to Blue Cross and Blue Shield of Illinois a claim seeking payment for Pharmacy A, specifically, a claim for a medication purportedly prescribed by Physician A to Patient B on or about July 17, 2017, when, in fact, no such medication was prescribed on or about that date;

In violation of Title 18, United States Code, Section 1347.

**COUNT THREE**

The SPECIAL MAY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 10 of Count One are incorporated here.
2. On or about October 10, 2017 at Addison, in the Northern District of Illinois, Eastern Division, and elsewhere,

JATIN PATEL,

defendant herein, knowingly and willfully executed the scheme, and attempted to do so, by submitting and causing to be submitted to Blue Cross and Blue Shield of Illinois a claim seeking payment for Pharmacy A, specifically, a claim for a medication purportedly prescribed by Physician A to Patient C on or about October 10, 2017, when, in fact, no such medication was prescribed on or about that date;

In violation of Title 18, United States Code, Section 1347.

**COUNT FOUR**

The SPECIAL MAY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 10 of Count One are incorporated here.
2. On or about January 8, 2018, at Addison, in the Northern District of Illinois, Eastern Division, and elsewhere,

**JATIN PATEL,**

defendant herein, knowingly and willfully executed the scheme, and attempted to do so, by submitting and causing to be submitted to Medicare a claim seeking payment for Pharmacy A, specifically, a claim for a medication purportedly prescribed by Physician A to Patient D on or about January 8, 2018, when, in fact, no such medication was prescribed on or about that date;

In violation of Title 18, United States Code, Section 1347.

**COUNT FIVE**

The SPECIAL MAY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 10 of Count One are incorporated here.
2. On or about January 18, 2018, at Addison, in the Northern District of Illinois, Eastern Division, and elsewhere,

**JATIN PATEL,**

defendant herein, knowingly and willfully executed the scheme, and attempted to do so, by submitting and causing to be submitted to Blue Cross and Blue Shield of Illinois a claim seeking payment for Pharmacy A, specifically, a claim for a medication purportedly prescribed by Physician A to Patient E on or about January 18, 2018, when, in fact, no such medication was prescribed on or about that date;

In violation of Title 18, United States Code, Section 1347.

**COUNT SIX**

The SPECIAL MAY 2019 GRAND JURY further charges:

1. Paragraphs 1 through 10 of Count One are incorporated here.
2. On or about June 25, 2018, at Addison, in the Northern District of Illinois, Eastern Division, and elsewhere,

**JATIN PATEL,**

defendant herein, knowingly and willfully executed the scheme, and attempted to do so, by submitting and causing to be submitted to Blue Cross and Blue Shield of Illinois a claim seeking payment for Pharmacy A, specifically, a claim for a medication purportedly prescribed by Physician A to Patient F on or about June 25, 2018, when, in fact, no such medication was prescribed on or about that date;

In violation of Title 18, United States Code, Section 1347.

**COUNT SEVEN**

The SPECIAL MAY 2019 GRAND JURY further charges:

1. Paragraph 1(a) through 1(d) and 1(f) through 1(k) of Count One are incorporated here.

2. In or around October 2018, at Addison, in the Northern District of Illinois, Eastern Division, and elsewhere,

**JATIN PATEL,**

defendant herein, knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent statement and representation, and made and caused to be made a materially false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and representation, in a matter involving a health care benefit program, namely, Blue Cross and Blue Shield of Illinois, in connection with the payment for health care benefits and services, namely, a statement that Physician A authorized and submitted a prescription for a medication containing Calcipotriene for Patient B on or about July 17, 2017;

In violation of Title 18, United States Code, Section 1035(a)(2).

**COUNT EIGHT**

The SPECIAL MAY 2019 GRAND JURY further charges:

1. Paragraph 1(a) through 1(d) and 1(f) through 1(k) of Count One are incorporated here.

2. In or around October 2018, at Addison, in the Northern District of Illinois, Eastern Division, and elsewhere,

**JATIN PATEL,**

defendant herein, knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent statement and representation, and made and caused to be made a materially false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and representation, in a matter involving a health care benefit program, namely, Blue Cross and Blue Shield of Illinois, in connection with the payment for health care benefits and services, namely, a statement that Physician A authorized and submitted a prescription for a medication containing Calcipotriene for Patient C on or about October 10, 2017;

In violation of Title 18, United States Code, Section 1035(a)(2).

**COUNT NINE**

The SPECIAL MAY 2019 GRAND JURY further charges:

1. Paragraph 1(a) through 1(d) and 1(f) through 1(k) of Count One are incorporated here.
2. In or around October 2018, at Addison, in the Northern District of Illinois, Eastern Division, and elsewhere,

**JATIN PATEL,**

defendant herein, knowingly and willfully made and caused to be made a materially false, fictitious, and fraudulent statement and representation, and made and caused to be made a materially false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and representation, in a matter involving a health care benefit program, namely, Blue Cross and Blue Shield of Illinois, in connection with the payment for health care benefits and services, namely, a statement that Physician A authorized and submitted a prescription for a medication containing Calcipotriene for Patient F on or about June 25, 2018;

In violation of Title 18, United States Code, Section 1035(a)(2).

**FORFEITURE ALLEGATION**

The SPECIAL MAY 2019 GRAND JURY further alleges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Section 1347, as alleged in the Indictment, defendant shall forfeit to the United States any property that constitutes and is derived, directly and indirectly, from gross proceeds traceable to the commission of the offense, as provided in Title 18, United States Code, Section 982(a)(7).

2. If any of the property described above, as a result of any act or omission by the defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

A TRUE BILL:

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FOREPERSON

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UNITED STATES ATTORNEY